

Assembly Bill No. 2823

Passed the Assembly August 31, 2006

Chief Clerk of the Assembly

Passed the Senate August 31, 2006

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2006, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 42421 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2823, Ruskin. Air pollution: district compliance programs.

(1) Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law permits a district to establish by regulation a permit system, as provided. Existing law also requires each district with a population of one million or more to establish a compliance program consisting of specified elements, including procedures to ensure the consistent issuance of notices of compliance and notices of violations.

This bill would require any district that has a population of 1,000,000 or more, for any notice of violation of specified nuisance laws or regulations, to post a copy of the notice of violation on the district's Internet Web site, to provide a copy of the notice of violation to the state board, the city and county where the violation occurred, and other appropriate governmental entities, to notify the superintendent of an affected school district, to place a notice of the violation in a newspaper for one time, and to post a laminated copy of the notice of the violation on each side of the violating facility, as specified, no more than 2 days after ensuring that the information on the notice is accurate, thereby imposing a state-mandated local program. The bill would require any person who violates specified nuisance laws or regulations to pay these costs.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by

the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 42421 of the Health and Safety Code is amended to read:

42421. Each district that has a population of 1,000,000 or more shall do both of the following:

(a) Establish a compliance program that shall consist of all of the following elements:

(1) Procedures to ensure the consistent issuance of notices of compliance and notices of violations.

(2) A compliance assistance program to provide information to small businesses with regard to statutes and district rules and regulations to which they are subject and to assist them in identifying the most efficient and least costly means of complying with those statutes and rules and regulations.

(3) Settlement agreement procedures whereby persons who are in violation of those statutes or district rules or regulations may agree to take actions to improve air quality in lieu of paying monetary fines or penalties.

(b) For any notice of violation of Section 41700 or any district regulation for public nuisance, the district shall, no more than two days after the completion of the settlement process described in paragraph (3) of subdivision (a) and after ensuring that the information on the notice is accurate, take all of the following actions:

(1) Post a copy of the notice of violation on its Internet Web site for a period of not less than one year after the violator has been determined by the district to be in compliance.

(2) Provide a copy of the notice of violation to the state board, the city and county where the violation occurred, and to other appropriate governmental entities as determined by the district.

(3) If a violation has occurred within 1,000 feet of a school, notify the superintendent of the school district that oversees the affected school.

(4) Pursuant to Section 6061 of the Government Code, place a notice of the violation in English and in any other language commonly spoken in the area where the violation occurred, in a free, community-based newspaper where possible, or a newspaper of general circulation in the area of the violation, if there are no free, community-based newspapers.

(5) Post a laminated copy of the notice of the violation that is at least 24 inches by 24 inches in size and uses at least a 24-point font in a prominent location on each side of the violator's facility that faces a street or other area that is accessible to the public. This notice shall be in a brightly colored font or on brightly colored paper where possible, or both. If the facility is fenced, these notices shall be attached to the fence on each side of the facility that is visible to the public. These notices shall be removed by the district on a regular business day approximately 30 days after the posting of the notice. In lieu of a district removing the notices, a district may authorize the violator to remove the notices not less than 30 days after the posting of the notices.

(c) Any person who violates Section 41700 or any district regulation for public nuisance for which a notice of violation has been issued, shall pay, or reimburse the district for, the costs of the postings required by subdivision (b).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Approved _____, 2006

Governor